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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Benfey et al.

Application No.: 09/578,827

Group Art Unit: 1638

Filed: May 24, 2000

Examiner: Collins, C.

For: SHORT-ROOT GENE, PROMOTER,  
AND USES THEREOF

Attorney Docket No.: 5914-078

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES  
AND PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Communication and Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 6, 2001, and in accordance with the Rules of Practice, please enter the following amendments and consider the remarks below prior to the examination of the above-identified application. Applicants submit herewith (1) Exhibit A, a marked up version of replacement paragraphs of the specification; (2) Exhibit B, a marked up version of the claims showing the amendments made herein; (3) Exhibit C, a copy of the first page of the Communication mailed June 6, 2001; (4) Exhibit D, a copy of the Response to Notice to File Missing Parts, with accompanying Declaration and Power of Attorney, filed December 15, 2000; (5) a Sequence Listing in Paper and Computer Readable Form pursuant to 37 C.F.R. § 1.821; (6) a Transmittal of Sequence Listing; (7) a return copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; (8) an Information Disclosure Statement; and (9) a List of References Cited by Applicants listing references AA-EP, with a copy of references AA-EP.

Applicants estimate that no fee is due in connection with the filing of this Response and Preliminary Amendment. However, should the Patent Office determine